

U.S. Patent Application No. 10/694,659
Amendment dated January 17, 2006
Reply to Office Action of October 17, 2005

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

With respect to the amendment to the claims, claims 1, 10, and 11 have been amended to recite that the first observation images are displayed simultaneously, such as on a display screen. Also, the claims have been amended to replace "simple observation" with "first observation" and instead of "an observation image," the phrase has been replaced with "a second observation image" as required by the Examiner in the Office Action of October 17, 2005.

Full support for this amendment can be found throughout the present application, including the claims as originally filed, as well as, for instance, Fig. 10A, and the description associated with Fig. 10A. Accordingly, entry of this amendment is respectfully requested.

Furthermore, these amendments were discussed with Examiner Pritchett on January 13, 2006. The Examiner did indicate that it would appear the amendment to claim 1 would be considered favorably with respect to overcoming Bacus et al. The Examiner indicated that further searching would be necessary.

With respect to the Office Action dated October 17, 2005, the objection to claims 1-30 for the use of the term "simple" has been addressed in the amendments as discussed above. Accordingly, this objection should be withdrawn.

With respect to the rejection of claim 1-13, 16-24, 26, 27, and 30 under 35 U.S.C. §102(e) as being anticipated by Bacus et al. (U.S. Patent No. 6,396,941 B1), the Examiner has essentially maintained the rejection as previously described. For the following reasons, this rejection is respectfully traversed.

The arguments previously submitted in the Amendment dated August 11, 2005 are

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incorporated in their entirety by reference herein. The applicant believes these arguments still have merit. Further, in claim 1, the simple or first observation image display section displays a plurality of simple or first observation images based on each of the plurality of simple or first observation conditions and simultaneously provides these images on the same display screen of the display section. Claim 1 recites that a plurality of images are obtained by the plurality of first observation conditions, including different illuminating directions. These different images are then displayed on the same display screen. Bacus et al. does not provide this type of apparatus. Bacus et al. shows a series of photographs by tiles, and each of the photographs are based on the same conditions. In other words, Bacus et al. does not teach or suggest simultaneously displaying on the same display screen a variety of observation images acquired based on a plurality of different observation conditions. This difference also applies similarly to claims 10 and 11.

Accordingly, for these reasons, this rejection should be withdrawn.

The Examiner, at page 7 of the Office Action, also rejects claims 14, 15, 19, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Bacus et al. in view of Fairley (U.S. Published Patent Application No. 2002/0118359). The Examiner asserts that it would be obvious to take the microscope of Fairley, which has a means to switch the direction of illumination and use this means in Bacus et al. For the following reasons, this rejection is respectfully traversed.

As stated above, Bacus et al. does not teach or suggest the claimed invention and Fairley does not teach or suggest any of the deficiencies noted above. Accordingly, for this reason alone, this rejection should be withdrawn.

At the bottom of page 7 of the Office Action, the Examiner rejects claim 25 under 35 U.S.C. §103(a) as being unpatentable over Bacus et al. The Examiner believes that claim 25 relates to a mere duplication of parts and therefore would be obvious in view of Bacus et al. For the following

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reasons, this rejection is respectfully traversed.

As stated above, Bacus et al. does not teach or suggest the claimed invention. Accordingly, for the same reasons, this rejection should be withdrawn as well.

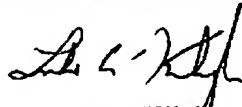
Accordingly, for these reasons, all of the rejections should be withdrawn.

CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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